IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 395 OF 2006.

Ravindrasheena Shetty. ... Appellant.

Versus.

The Municipal Corporation of
Greater Mumbai. ... Respondent.

Shri U.J.Makhija i/by Shri V.J.Hegde for the Appellant.

Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 5th May, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The learned Counsel for the Appellant on the instructions of the Appellant states that the Appellant desires to unconditionally withdraw the Appeal. He states that a reasonable time may be granted to enable the Appellant to apply for regularisation of the disputed structure.

2. Hence the following order is passed:

i) The Appellant is allowed to withdraw the Appeal and the Appeal stands dismissed as withdrawn.
No order as to costs.

ii) If an application is made by the Applicant for regularisation to the Competent Authority of the Respondents within a period of eight weeks from

today, the same shall be decided by the Competent Authority within a period of 8 weeks from the date of submission of the Application. The decision on the said application shall be communicated to the Appellant at the address mentioned in the cause title of the Appeal within one week from the date of decision.

iii) If the Application for regularisation is made within a period of eight weeks from today, for a period of 24 weeks from today, the disputed structure shall not be demolished by the Respondent-Corporation. However, if the Application is not made within the stipulated time, the Respondent-Corporation will be free to take action of demolition.

iv) Parties to act on an authenticated copy of this order.

Judge.